

Serial No. 09/554,090
Amendment Dated: June 23, 2003
Decision on Appeal heard April 2, 2003

REMARKS

Claims 13-16, 18-31 are active in the present application. Claim 24 has been amended above to specify that the polymerizing step is started at a temperature from 0 to 50°C and is performed in an aqueous solution at a maximum temperature of no more than 102-104°C, and to specify that the heating step is performed after completion of the free-radical polymerizing step. The requirement that the initial polymerization temperature be from 0 to 50°C is supported in the specification at page 9, line 1. The requirement that the polymerization be performed in aqueous solution is supported at page 8, last paragraph. The requirement that the polymerization be performed at a maximum temperature of 102-104°C is supported by the Examples, particularly Examples 6-35 on pages 14-15. The requirement that the free-radical polymerization be completed prior to the heating step is supported by the specification at page 8-9 and the Examples. No new matter is believed to have been introduced by the amendments submitted above.

In the Board's Decision on Appeal, dated April 23, 2003, the Board interpreted the claims on appeal to cover the case where as soon as a single molecule of polymer is formed, it can be heated at the required heating temperature of 120-240°C, thus causing the present application to be rejected over Anderson in view of Chmelir. As previously noted by Applicants, the present invention involves the completion of polymerization followed by

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increasing the temperature to the required post polymerization heating temperature in order to provide the beneficial properties of the present process.

Applicants have now amended the claims to better distinguish the claimed invention from the Anderson reference. In particular, the claims now require that the initial polymerization temperature must be from 0 to 50°C, with the maximum polymerization temperature being from 102-104°C (of course the polymerization temperature can be lower than this). In contrast, the polymerization of Anderson starts at a higher temperature of 50-85°C, preferably 60-75°C and proceeds to polymerization temperatures of up to 120-130°C, significantly above the permitted maximum polymerization temperature of the present invention. The reason that the maximum temperature of the present invention is limited is to minimize water loss from the reaction, something that is antithetical to the process of Anderson, which is seeking to polymerize and dry all in one step. The present invention, on the other hand requires that the polymerization be completed, prior to initiation of the heating step at 120-240°C. Due to the significant difference in the maximum polymerization temperature of 102-104°C and the minimum heating step temperature of 120°C, the present claims can no longer be interpreted to cover the situation stated by the Board. Only after all free-radical polymerization has been completed can the temperature be raised to the 120-240°C range and still be within the literal scope of the claim. As such, the rejection over Anderson, in view of Chmelir is no longer sustainable and should be withdrawn.

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This application is now believed to be in immediate condition for allowance.
Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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